

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TIANYI WANG,

Plaintiff,

v.

ARAM LEE,

Defendant.

13cv1541

ELECTRONICALLY FILED

**MEMORANDUM ORDER RE: JUNE 3, 2014, TEXT ORDER DENYING DEFENSE
COUNSEL'S PETITION FOR LEAVE TO WITHDRAW AS COUNSEL (DOC. NO. 88)**

On June 2, 2014, without prior notice to the Court or any request for Court intervention, Counsel for Defendant filed a Motion to Withdraw as Attorney, in which he moved this Court to permit him to withdraw his appearance because of Defendant's alleged failure to render payment for his services. Doc. No. 88. The Court denied the Motion without prejudice to be refiled when, and if, substitute counsel enters an appearance. 06/03/14 Text Order. In light of Defendant's appeal of this Order to the United States Court of Appeals for the Third Circuit, the Court is obliged to write the following Memorandum Order.¹

This litigation has been fraught with disputes over routine pre-trial proceedings including: objection to the presence of Parties in the same room during depositions; discovery matters; and sanctions. See Motions filed at Doc. Nos. 17, 18, 23, 26, 32, 46, 61, 78, 83, 85. These Motions illustrate the acrimonious personal relationship which currently exists between the Parties. These Motions consumed substantial Court time and have also presumably substantially increased the costs of litigation for the Parties.

¹ To date, the only new attorney notice of appearance appears to be related to the appeal of this Court's Order. Doc. No. 89.

Defense Counsel contends that Defendant has failed to fulfill her financial obligation and has an outstanding balance of over \$46,000.00 for fees rendered. This is a substantial sum, especially considering that the only dispositive motion filed has been Defendant's Motion for Summary Judgment. Doc. No. 42.

Defense Counsel filed the instant Motion on the eve of deadlines for Pre-trial submissions. As set forth in this Court's Pretrial Order in December, 2013, the Pretrial filing deadlines begin on June 20, 2014. Doc. No. 12. At the Parties' request, this case has been set for a non-jury trial, scheduled to begin on August 19, 2014.

Defense Counsel has failed to demonstrate that his appearance "serves no meaningful appearance." See *Erie Molded Plastics, Inc. v. Nogah, LLC*, 520 Fed.Appx. 82, 85 (3d Cir. 2013) cited by Defendant, Doc. No. 88, ¶ 13. In addition, even though both Parties have been represented throughout, this litigation has been fraught with personal attacks and accusations of falsehoods by both Parties. Counseled representation of both Parties is necessary so that the focus will remain solely on the legal disputes before the Court, and so that same can be resolved. This is in the best interests of the public as well as the Parties to this litigation.

Given the numerous issues raised by the Parties during the discovery phase of this case, all of which highlight the deeply personal animus between these two parties, granting Defense Counsel's request would result a *pro se* Defendant, who lives in the State of Washington, and would undoubtedly create further fractious litigation. Such litigation would be at the expense of the timely resolution of this case, as well as at the expense of all other matters before this Court, which the Court endeavors to resolve in a just, speedy, and inexpensive manner. Fed. R. Civ. P.

While the Court regrets that Defense Counsel finds himself in the position of not being compensated for a portion of his services rendered, substantial resources have been expended in a relentless (and sometimes unseemly) motion practice, in which both sides have challenged each other and impeded the resolution of their dispute. At this critical juncture in the case, with the set trial date on the horizon, justice is best served by Defense Counsel's continued representation of Defendant until such time as substitute counsel enters an appearance.

SO ORDERED, this 4th day of June, 2014,

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties